



**FULBRIGHT & JAWORSKI L.L.P.**  
A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-3271  
WWW.FULBRIGHT.COM

RHANSON@FULBRIGHT.COM  
DIRECT DIAL: (512) 536-3085

TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

1638  
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August 26, 2002

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COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

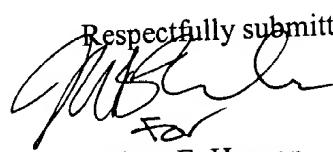
Re: SN 09/732,439 "TRANSGENIC MAIZE WITH INCREASED MANNITOL  
CONTENT" - by Thomas R. Adams, et al.; Client Ref. 51207 US 12  
Matter No. 10201614/DEKM:184USD1

Commissioner:

Enclosed for filing in the above-referenced patent application is:

(1) A Response to Restriction Requirement dated July 26, 2002;  
(2) A Preliminary Amendment including Appendix A; and  
(3) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEKM:184USD1/REH.

Respectfully submitted,  
  
Robert E. Hanson

REH/jmh  
As noted

25202320.1



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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## The Application of: Thomas R. Adams et al.

Serial No. 09/732,439

Filed: December 7, 2000

## Title: TRANSGENIC MAIZE WITH INCREASED MANNITOL CONTENT

Group Art Unit: 1638

Examiner: Benzion, G.

Atty. Dkt. No.: DEKM:184USD1  
(formerly 950.030US2)

**CERTIFICATE OF MAILING**  
**37 C.F.R. 1.8**

**RESPONSE TO RESTRICTION REQUIREMENT DATED JULY 26, 2002**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Restriction Requirement dated July 26, 2002, for which the date for response is August 26, 2002. Reconsideration of the application is respectfully requested.

Applicants respectfully traverse the restriction requirement and submit that, because the restricted claims recite a common osmoprotectant and water use strategy, a common search would not be burdensome or out of the ordinary. Regardless, applicants provisionally elect the subject matter of Group I comprising original claims 59 to 63. Applicants also request entry of the Preliminary Amendment filed concurrently herewith to claim 64 and claim 82, whereby these amendments are made to reference elected claim 59. As these claims would now be linked,

reconsideration of the restriction requirement and concurrent examination of Groups II and III with Group I is respectfully requested.

No fees are believed due in connection with the filing of the instant paper. However, should any such fees become due, consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10201614/10056. The Examiner is invited to contact the undersigned Attorney at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



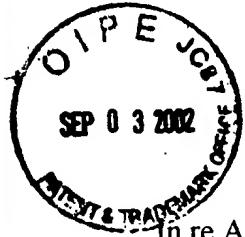
Robert E. Hanson

Reg. No. 42,628

Attorney for Applicant

FULBRIGHT & JAWORSKI, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3085

Date: August 26, 2002



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas R. Adams et al.

Serial No. 09/732,439

Filed: December 7, 2000

Title: TRANSGENIC MAIZE WITH  
INCREASED MANNITOL CONTENT

Group Art Unit: 1638

Examiner: Benzion, G.

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

08/26/02

Date

Robert E. Hanson

PRELIMINARY AMENDMENT

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the application as indicated below.

**In the Claims:**

Please amend claims 64 and 82 as follows:

64. (Amended) A method for producing the plant of claim 59 comprising:

- (a) introducing into cells of a monocot plant an expression cassette comprising a preselected first DNA segment encoding an enzyme which catalyzes the synthesis of the osmoprotectant proline, operably linked to a promoter functional in the monocot plant cells, to yield transformed monocot plant cells; and
- (b) expressing the enzyme encoded by the preselected first DNA segment in the transformed monocot plant cells so as to render the transformed monocot plant cells substantially water stress tolerant or resistant.